

creating for each third party a customer account file containing a record of funds deposited by a depositor for use by each third party; and

C2 periodically depositing funds into said customer account file in response to command instructions from said fund depositor for access by said third party to pay for goods or services, wherein said funds are deposited automatically.

Please add the following claim:

C3 Rule 1.26 74. The method of Claim ¹60, or ³62, wherein said third party having access to said funds may also withdraw said funds as cash.

REMARKS

This Amendment is submitted in response to the outstanding Official Action mailed May 29, 2001. In view of the above claim amendments and the remarks that follow, reconsideration and allowance of this application is respectfully requested.

Claims 60 and 62 have been amended to more particularly point out and distinctly claim the subject matter Applicant regards as his invention. In particular, these claims have been amended to clarify that the funds deposited for use by the third party are accessible by the third party to pay for goods or services. This is disclosed in the original specification at page 5, lines 3-10. The addition of this limitation to the claims therefore does not introduce new matter.

New claim 75 has also been added, directed to the accessibility of the funds by third parties for withdrawal as cash. This is also disclosed in the original specification at page 5, lines 3-10 and does not introduce new matter.

For reasons that are submitted below, the claims are believed to be in condition for allowance. The amendments are believed to resolve the concerns raised by the examiner. Accordingly, reconsideration is respectfully requested.

This Application has been "Made Special" on the basis of Infringement. The Patent Office's continuing efforts to expedite examination are gratefully acknowledged.

Turning to the Official Action, Claims 60-74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nelson patent in view of the 1992 article "Foster Parents of Disabled Children may exclude Social Security Payments received through State." Nelson was cited as disclosing third party accounts and customer account files. The Examiner acknowledged that Nelson did not disclose depositing funds in a third party account, but cited the 1992 article as disclosing this difference. The Examiner stated that it was known to provide goods and services to those who are not fully legally competent. This rejection is respectfully traversed in view of the above claim amendments for the reasons set forth hereinafter.

The 1992 article is a Tax Court decision regarding the taxation of Social Security disability payments to state trust accounts established to pay for the care facility housing of disabled children. This discloses an account established for the benefit of a third party into which funds are deposited.

The present invention differs in that the third parties are permitted access to the deposited funds for spending on goods and services. Independent claims 60 and 62 have been amended to emphasize this distinction, and now state that the funds are deposited "for access by said third party to pay for goods or services."

The 1992 article discloses a method for spending funds on behalf of third parties in which the third party is denied access to the deposited funds because of incapacity. The 1992 article thus teaches against the invention as presently claimed.

By amending the independent claims to clarify that the third party has access to the deposited funds to pay for goods or services, this rejection of claims 60-74 under 35 U.S.C. § 103 (a) in view of the cited combination of prior art has thus been overcome. Reconsideration by the Examiner and withdrawal of the rejection is therefore respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached paper is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

In view of the above claim amendments and the foregoing remarks, this application is now in condition for allowance. Reconsideration is respectfully requested. The Examiner is

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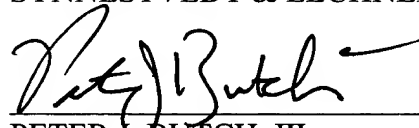
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reminded that this Application has been "made special" because of infringement by third parties and is requested to telephone the undersigned to discuss any remaining issues in this application to be resolved.

Finally, the Examiner is authorized to charge applicant's Deposit Account No. 19-5425 for any additional charges in connection with this Amendment.

Respectfully submitted,

SYNNESTVEDT & LECHNER, LLP

A handwritten signature in black ink, appearing to read "Peter J. Butch, III", is written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 60 and 62 have been amended as follows:

60. (Amended) A computer-based method for transferring funds to third parties comprising:

creating for each third party a customer account file containing a record of funds deposited by a depositor for use by each third party; and

periodically depositing funds into said ~~a~~ customer account file in response to command instructions from said fund depositor for access by said third party to pay for goods or services.

62. (Twice Amended) A ~~a~~ computer-based method for transferring funds to third parties comprising:

creating for each third party a customer account file containing a record of funds deposited by a depositor for use by each third party; and

periodically depositing funds into said ~~a~~ customer account file in response to command instructions from said fund depositor for access by said third party to pay for goods or services, wherein said funds are deposited automatically.

Claim 74 has been added:

74. The method of Claim 60, or 62, wherein said third party having access to said funds may also withdraw said funds as cash.